

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	*	Case No. 18-CR-00457 (AMD)
	*	
	*	Brooklyn, New York
	*	March 4, 2020
v.	*	
	*	
HUAWEI TECHNOLOGIES, CO.,	*	
LTD.,	*	
	*	
Defendant.	*	
	*	
* * * * *		

TRANSCRIPT OF CRIMINAL CAUSE FOR ARRAIGNMENT
BEFORE THE HONORABLE STEVEN M. GOLD
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For the Government:	ALEXANDER A. SOLOMON, ESQ. JULIA NESTOR, ESQ. DAVID KESSLOR, ESQ. SARAH EVANS, ESQ. THEA D.R. KENDLER, ESQ. CHRISTIAN NAUVEL, ESQ. Asst. United States Attorney United States Attorney's Office 271 Cadman Plaza East Brooklyn, NY 11201
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For the Defendant:	THOMAS C. GREEN, ESQ. MICHAEL ALEXANDER LEVY, ESQ. Sidley Austin LLP 1501 K Street, N.W. Washington, DC 20005 DAVID BITKOWER, ESQ. Jenner & Block LLP 1099 New York Avenue, N.W. Washington, Dc 20001
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1 (Proceedings commenced at 2:15 p.m.)

2 THE CLERK: Criminal cause for an arraignment for
3 case no. 18-CR-00457, USA v. Huawei Technologies Company.

4 Counsel, please state your appearances for the
5 record.

6 MR. SOLOMON: Good afternoon, Your Honor.
7 Alexander Solomon, Julia Nestor, David Kessler, Sarah Evans,
8 Thea Kendler and Christian Nauvel for the government.

9 THE COURT: Do you feel well equipped to handle the
10 application?

11 MR. SOLOMON: I do. I was worried about fainting,
12 but they assure me they have it handled.

13 MR. GREEN: Thomas Green, Your Honor, and David
14 Bitkower and Mike Levy for the first four defendants in the
15 new superceding indictment.

16 I should add that my application to appear in this
17 court pro hac vice and to enter my appearance in this case is
18 now pending before Judge Donnelly and I believe that she will
19 approve that in just a few minutes when we go upstairs.

20 So if Your Honor would permit me, I will conduct
21 these proceedings.

22 THE COURT: I will, but is it Mr. Green?

23 MR. GREEN: Yes. Thomas Green, Your Honor.

24 THE COURT: Thank you. And may I ask one question
25 of clarification? You introduced me to your co-counsel and

1 you said for the first four defendants?

2 MR. GREEN: Yes.

3 THE COURT: Yes. And do I infer from the way you
4 said that that all three of you jointly represent all four
5 defendants.

6 MR. GREEN: Correct, Your Honor.

7 THE COURT: Thank you.

8 And we're here for an arraignment on the
9 superceding indictment of a corporate entity.

10 MR. SOLOMON: Correct, Your Honor.

11 THE COURT: Or four corporate entities.

12 MR. SOLOMON: Four corporate entities.

13 THE COURT: Okay. And is there a principal of the
14 corporate entities here or is it your intention to plead to
15 the indictment on behalf of the corporate entities in your
16 capacity as their attorney?

17 MR. GREEN: The later and, of course, the
18 principals from China couldn't travel even if they decided to
19 be here.

20 THE COURT: Got it. So Mr. Green, have you been
21 served with a copy of superceding indictment S-3?

22 MR. GREEN: We have, Your Honor.

23 THE COURT: Have you reviewed the charges in the
24 indictment against the first four named defendants,
25 Technologies, Device Code, Device USA and Futurewide

1 Technologies, Inc?

2 MR. GREEN: We have reviewed them very carefully,
3 sir.

4 THE COURT: Do you understand what these
5 corporations are accused of in the superceding indictment?

6 MR. GREEN: I do, sir.

7 THE COURT: Do you waive its public verbatim
8 reading?

9 MR. GREEN: I think that would be the prudent thing
10 to do. I do.

11 THE COURT: And how do your clients plead?

12 MR. GREEN: They plead not guilty to each and every
13 count of the indictment.

14 THE COURT: The clerk will reflect the pleas of not
15 guilty.

16 I infer from something you said earlier that there
17 is an appearance scheduled before Judge Donnelly momentarily
18 and I, therefore, infer that the government is not asking me
19 to contemplate asking these defendants to waive speedy trial
20 for the interim between now and the next appearance before
21 the district court.

22 MR. SOLOMON: That's correct, Your Honor.

23 THE COURT: Is there anything further the
24 government would have me address today?

25 MR. SOLOMON: Nothing further. Thank you, Your

1 Honor.

2 THE COURT: Well, I think you were over staffed,
3 but it's a pleasure to see all of you. Even the defendants
4 may have had even more fire power than necessary for this.

5 I take it Judge Donnelly will challenge you more
6 substantively than I have and that each and every one of you
7 will have an opportunity to contribute. Have a good day.

8 ALL COUNSEL: Thank you.

9

10 (Proceedings concluded at 2:18 p.m.)

11 I, CHRISTINE FIORE, court-approved transcriber and
12 certified electronic reporter and transcriber, certify that
13 the foregoing is a correct transcript from the official
14 electronic sound recording of the proceedings in the above-
15 entitled matter.

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March 11, 2020

19 Christine Fiore, CERT

20 Transcriber

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